

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Guerino G. SACRIPANTE et al.

Group Art Unit: 1792

Application No.: 10/765,146

Examiner: W. FLETCHER

Filed: January 28, 2004

Docket No.: 118411

For: EMULSION AGGREGATION PROCESS FOR FORMING CURABLE POWDER
COATING COMPOSITIONS, CURABLE POWDER COATING COMPOSITIONS
AND METHOD FOR USING THE SAME

RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the January 25, 2008 Restriction and Election of Species Requirement, Applicants elect Group I, claims 1-16, 21-23 and 30-38 with traverse. Further, Applicants elect (1) the epoxy resin of claim 3, (2) the polyfunctional amine of claim 4 and (3) the colorant of claim 5, with traverse. In Group I, at least claims 1-16, 21-23 and 30-38 read on the elected species, and at least claims 1-16, 21-23 and 30-38 are generic to all identified species.

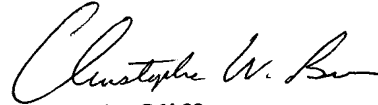
The Patent Office alleges that the subject matter of Group I (claims 1-16, 21-23 and 30-38) and the subject matter of Group II (claims 17-20 and 24-29) are allegedly distinct on the grounds that the Group I product can allegedly be produced using a materially different process wherein the powder coating can be used in a process of coating other than a conductive substrate. See Office Action, page 2. Applicants respectfully disagree.

Claim 17 (Group II) recites a process for powder coating comprising applying a powder according to claim 7, which the powder is made by the process of claim 1 (Group I), to a conductive surface or layer on a conductive surface. As such, the subject matter of Group II is clearly related to the subject matter claim 1 such that a thorough search for the subject matter of any one Group of claims and species would encompass a search for the subject matter of the remaining claims and species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Further, Applicants submit that upon allowance of the generic claims, all of the species should be rejoined with the application and similarly allowed.

Thus, withdrawal of the Restriction and Election of Species Requirement is respectfully requested.

Respectfully submitted,



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Date: February 15, 2008

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